REMARKS

Overview

The claims in the case are claim 1-4 and 6-15. The only independent claim is claim 1. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Claim Objection/Rejection

Schaffer discloses a system which allows the popularity of a television program which is to be available to be viewed in the future, to be predicted. The ability to predict the popularity of a program prior to it being available for viewing, rather than analysing the popularity of a program once the same has been viewed, has the advantage in that it allows advertising prices to be adjusted with respect to the predicted popularity of the particular program. In the Schaffer patent, the history data in terms of programs watched and/or program recommendation data in terms of programs which are being recommended, of a number of users apparatus, is accessed remotely. Depending on the type and quality of data which is retrieved from these users apparatus, then analysis will be performed on the data to generate a prediction of the popularity of a particular program. Regardless of the amount of processing of the data which is required to be performed, the use of data in the Shaffer prior art, is always to generate a prediction in relation to a particular program. There is no suggestion or disclosure of using the data from a number of users apparatus, to provide a recommendation of a particular program. Furthermore, there is no disclosure in the Shaffer prior art of using the data which is collected from the number of users apparatus, to provide any form of service or benefit to a particular viewer. Instead, in the Shaffer prior art, the prediction is made for the benefit of a broadcaster of the particular television

program or a service provider i.e. in the form of a company or large organization. Furthermore, there is no disclosure in the Shaffer prior art, of the analysis of the data which is obtained from the users, being undertaken by apparatus of a particular viewer. Instead, the practical scenario in the Shaffer prior art would be for the data to be retrieved and processed by a processing system of a service provider or broadcaster rather than an individual viewer, as it is the service provider or broadcaster who requires the information rather than an individual viewer (see for example paragraph .0008 of Schaffer).

Thus, while in both the prior art and the current invention, access is made to data from apparatus for a number of users, that is were the similarity ends.

In the current invention of the claims under consideration, the aim is to provide an improved service to an individual viewer who is one of a plurality of users of a particular broadcast system. Furthermore, and more specifically, the improvement and benefit which is aimed at in the current invention, is to provide an improved recommendation system for a particular viewer and this is achieved by using the data which has been obtained from other users apparatus. Furthermore, as now specified in the claims which were previously submitted, the access to the other users apparatus is made via the recommendation system of a particular viewer. Thus, there is no requirement for involvement of the service provider or broadcaster and instead, the access to the other users apparatus is made directly from the viewers recommender system and, the data retrieved from the other users, is processed by the viewer's recommender system so as to improve the quality of that viewers recommender system.

The Examiner, in the last Office Action, seems to have interpreted the disclosure of Schaffer to have a wider meaning than is appropriate. Firstly, the Examiner suggests that a viewers television program recommender as specified in the claims in the current application,

6

could be the audience predictor. However, this simply does not make sense as there is no reason for an individual viewer to have any requirement for an audience predictor to be installed in their viewing apparatus and furthermore, would have no use for the data generated by an audience predictor. It is therefore <u>incorrect</u> for the Examiner to suggest, that the audience predictor of Schaffer would be equivalent to a viewer's recommendation system as the two have quite distinct, and different uses. Furthermore, the Examiner suggest, at the bottom of page 4 of the last Office Action that Schaffer generates a viewer recommendation but this is not the case. There is disclosed in Schaffer with regard to the first example, a predictor 100, which receives raw data and which may need to generate a recommendation on the basis of that data which is received from each of the users, <u>but</u> the recommendation which is generated, is <u>not</u> provided to the user from which data has been obtained and is instead a processing step for the raw data in order to allow the predictions to popularity to be more accurate with the plurality of recommendations which are generated by the predictor used, in combination, to arrive at the prediction of the popularity of a particular program. In the current invention, the recommendations for different users, are used to generate a further recommendation for a particular viewer which viewer is different to the users from which the data has been obtained.

On page 5 first paragraph, of the last Office Action the Examiner suggests that the audience predictor 100 may be embodied as any computing device such as a personal computer or work station that contains a processor and the Examiner suggest that this is equivalent to a processor provided in part of the viewers television program recommender of the current invention. Once more, we should reiterate that the audience predictor, in whichever embodiment, would not be provided as part of a viewers recommendation system. Instead, it

would be provided for use by a broadcaster or service provider which would be geographically remote from the viewers recommendation system.

In view of the amendments presented herein, reconsideration and allowance of the remaining claims is requested and solicited.
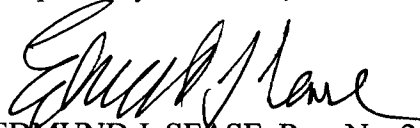
Conclusion

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for three months from August 27, 2009 to November 27, 2009. Applicant is a large entity; therefore, please charge Deposit Account number 26-0084 in the amount of $1,110.00 to cover the cost of the three-month extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

EDMUND J. SEASE, Reg. No. 24,741
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

- EJS/pw -

8